

REMARKS

Claims 1-38 are currently pending in the present application. No new matter has been added.

The Examiner required restriction under 35 U.S.C. § 121 to one of the following groups:

- Group I: Claim 11, drawn to a tablet, classified in Class 424, subclass 464+.
- Group II: Claim 12, drawn to a caplet, classified in Class 424, subclass 474+.
- Group III: Claim 13, drawn to a lozenge, classified in Class 424, subclass 435+.
- Group IV: Claim 14, drawn to a capsule, classified in Class 424, subclass 451+.
- Group V: Claim 15, drawn to a cachet, classified in Class 424, subclass 489+.
- Group VI: Claim 28, drawn to methods for forming a tablet, classified in various subclasses of Class 424.
- Group VII: Claim 29, drawn to methods for forming a caplet, classified in various subclasses of Class 424.
- Group VIII: Claim 30, drawn to methods for forming a lozenge, classified in various subclasses of Class 424.
- Group IX: Claim 31, drawn to methods for forming an encapsulated dosage form classified in various subclasses of Class 424.
- Group X: Claim 32, drawn to methods for forming a cachet, classified in various subclasses of Class 424.
- Group XI: Claims 33-35, drawn to a compressible dosage form comprising an active cushioning component, classified in various subclasses of Class 424.
- Group XII: Claims 36-38, drawn to a method for preparing a compressible dosage form comprising an active cushioning component, classified in various subclasses of Class 424.

In order to be fully responsive, Applicants hereby elect with traversal Group I. Currently pending claims 1-11 are readable on the elected group. The M.P.E.P. § 803 (Eighth Edition, Revision 3, August 2005) states:

If the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to distinct or independent inventions (emphasis added).

The Applicants submit that to search the subject matter relating to compositions recited in Groups I-V and Group IV would not constitute a serious burden to the Examiner.

Furthermore, Applicants have noted that the Examiner has characterized the products of Groups I-V and Group XI as follows: “The products of Groups I-V differ from that of Group XI because they are anhydrous (lyophilized), whereas the products of Group XI contain water by virtue of having a water-absorbing (hygroscopic) material (page 4, Office Action dated March 19, 2007). The Applicants would like to make of record that they are in disagreement with the Examiner’s characterization. Products of Group I-V include 1) a placebo cushioning component comprising a highly-compactable filler, a highly water-absorbing material and water; and 2) active-loaded particles; wherein the placebo cushioning component and active-loaded particles are admixed to form an admixture; and the admixture is freeze-dried to form the active cushioning component. Products of Group XI include 1) a freeze-dried placebo cushioning component comprising a highly-compactable filler and a highly water-absorbing material, and having a particle size ranging from about 20 μm up to about 2000 μm ; and 2) active-loaded particles; wherein the freeze-dried placebo cushioning component and active-loaded particles are admixed to form the active cushioning component. As described in the originally filed specification, in certain embodiments, “the freeze-drying is performed until the placebo cushioning component has an amount of water ranging from about from about 0% up to about 20% based on the total weight of water and other components of the freeze-dried placebo cushioning component” and in other embodiments, “the freeze-drying is performed until the placebo cushioning component has an amount of water ranging from about from about 2% up to about 15% based on the total weight of water and other components of the freeze-dried placebo cushioning component” (page 17, sec. [0087]). Therefore, products of Groups I-V can be but are not necessarily anhydrous and, moreover, the products of Group XI can but do not necessarily contain water. Thus products of Groups I-V and XI do not differ as described by the Examiner.

Applicants also note that upon allowance of generic claims, Applicants are entitled to consideration and allowance of the non-elected claims that include all the recitations of the allowed generic claim. Of the elected group, it is believed that claim 1 is generic.

Upon the allowance of any linking claims, the restriction requirement as to the linked invention shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Of the elected group, it is believed that claim 1 links Groups I-V. Also, upon the allowance of any product claims, the withdrawn process claims that depend from or

otherwise include all the limitations of the allowable product claims will be rejoined in accordance with the provisions of M.P.E.P. § 821.04. Moreover, Applicants fully reserve the right to prosecute the subject matter of any of the non-elected groups in one or more related applications.

Applicants respectfully request that the above remarks be entered and made of record in the file history of the instant application.

Respectfully submitted,

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Enclosure